

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Frank Patrick Szustak,

Plaintiff

v.

Civil Action No.

Case: 1:17-cv-02847 F Deck

Assigned To : Unassigned

Assign. Date : 12/21/2017

Description: Pro Se Gen. Civil

Circuit Court for  
Baltimore City, MD

Defendant

COMPLAINT

COMES NOW the plaintiff(s), Frank Patrick Szustak appearing pro se, and for a complaint against the defendant above named, states, alleges, and avers as follows:

JURISDICTION

1. This Court has subject matter jurisdiction under 28 U.S.C. sections 1331 and 1334.
2. This action is commenced pursuant to 2201 and 2202 and 42 U.S.C., section 1983.

GENERAL ALLEGATIONS

3. The plaintiff, Frank Patrick Szustak is a homeless citizen of the State of Maryland, United States of America.
4. Defendant, the Circuit Court for Baltimore City , MD own and at all times pertinent to the complaint have owned and managed a government courthouse at 111 N. Calvert Street, Baltimore, MD , “ Courthouse East”.
5. Plaintiff is a homeless individual with disabilities that cause a mobility impairment Plaintiff wants to do business in and was also compelled by Court Order recommendation to do business in defendants' facility but the establishment is inaccessible to persons using wheelchairs at required exits. This renders the facility unsafe for its intended use and is a serious threat to occupants' life safety. This building should not be used until the most serious and grave defect is brought into conformance with the American with Disabilities Act.
6. On July 26, 1990, Congress enacted the Americans with Disabilities Act, 42 U.S.C. section 12101, et seq., establishing the most important civil rights law for persons with disabilities in our country's history.
7. The Congressional statutory findings include:
  - a. "some 43,000,000 Americans have one or more physical or mental disabilities . . . ;

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- b. "historically, society has tended to isolate and segregate individuals with disabilities and despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem;
- c. "discrimination against individuals with disabilities ties persists in such critical areas as . . . public accommodations;
- d. "individuals with disabilities continually encounter various forms of discrimination, including . . . the discriminatory effects of architectural . . .
- e. "the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity . . . to pursue those opportunities for which our free society is justifiably famous . . ." 42 U.S.C. section 12101(a).

8. Congress went on to state explicitly the purpose of the Americans with Disabilities Act to be:

- a. "to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;
- b. "to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities; and
- c. "to invoke the sweep of Congressional authority . . . to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities." 42 U.S.C. section 12101(b).

9. Congress gave entities one and a half years to implement the Act. The effective date was January 26, 1992.

10. Nevertheless, the Circuit Court for Baltimore City, at 111 North Calvert Street has not eliminated barriers that prevents persons using wheelchairs, canes, etc. from entering, and exiting using this commercial establishment in accordance with the American Disabilities Act. The archaic facility lacks proper exiting, especially for the most vulnerable who are disabled; a serious threat to life safety for persons such as myself with physical impairments and associated reduced mobility.

11. One of the most important parts of the Americans with Disabilities Act is Title II, known as the "Public Accommodations and Services." 42 U.S.C. section 12131.

12. Congress included a Court House as a public entity covered by the Act. 42 U.S.C. section 12131.

13. Defendant's business at address 111 N. Calvert Street, Baltimore, MD is a Court House.

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14. As relevant to the present action, discrimination includes, "a failure to remove architectural barriers . . . that are structural in nature, in existing facilities . . . where such is readily achievable." 42 U.S.C.. section 12182(b)(2)(A)(iv).

15. The U.S.. Department of Justice, in promulgating the federal regulations to implement this Act, defines "readily achievable" to mean "easily accomplishable and able to be carried out without much difficulty or expense," including ["installing an entrance ramp or whatever is needed]."28 C.F.R.. section 36.304(a) - (c).

16. Other commercial and government facilities similar to the defendant's have made similar modifications, like what we ask here. Defendant could easily make its business accessible but has chosen not to comply with The Americans with Disabilities Act..

17. Plaintiff wants to do business in the defendant's facility and was compelled to by Court Order Recommendation dated December 7, 2017.

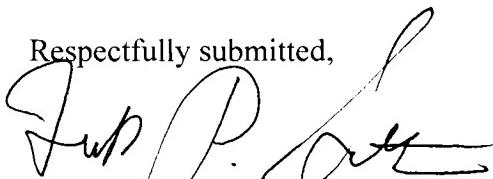
#### FIRST CLAIM OF RELIEF

18. Pursuant to the Americans with Disabilities Act, 42 U.S.C. section 12101, et seq., and the federal regulations promulgated pursuant to this Act, 28 C.F.R. §36.304, defendant was to make the government facility at 111 N. Calvert Street , Baltimore, MD, completely accessible by the date of effective occupancy, open to the public . To date, defendant has not.

19. By failing to remove the architectural barrier where such removal is readily achievable, defendant discriminates against plaintiffs and violates the Americans with Disabilities Act.

WHEREFORE, the plaintiff, Frank Patrick Szustak pray that the Court issue an injunction enjoining the defendant from continuing its discrimination and that the Court award plaintiffs such additional and alternative relief as may be just, proper, and equitable, including costs at \$333,333.

Respectfully submitted,



Frank Patrick Szustak  
101 W. 23<sup>rd</sup> Street  
Baltimore , MD 21218  
PRO SE

Dated:12.21.2017